

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH DEAN *et al.*,

Plaintiff,

v.

PENNSYLVANIA GAS WORKS *et al.*,

Defendants.

CIVIL ACTION
NO. 19-4266

ORDER

AND NOW, this 12th day of December 2019, upon consideration of Defendants' Motion to Dismiss (ECF No. 6), Plaintiffs' Response (ECF No. 9) and Defendants' Reply (ECF No. 10) it is hereby **ORDERED** that:

1. The Motion to Dismiss Count IV is **GRANTED** as to Defendant PGW and the individual Defendants in their official capacities; **GRANTED** as to Defendant White in his individual capacity; and **DENIED** as to Defendant Gaydosh in his individual capacity.
2. The Motion to Dismiss Counts V, VI and VII is **GRANTED**.

Counts IV, V, and VI are **DISMISSED** without prejudice. Count VII is **DISMISSED** with prejudice. Dean may amend Count IV of the Complaint, consistent with the Court's Memorandum, on or before **December 27, 2019**. Dean may further amend Counts V and VI of the Complaint after expiration of the mandatory one-year PHRA administrative exhaustion period.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.